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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,070

09/23/2003

Mark David Murawski

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EXAMINER

SAUNDERS JR, JOSEPH

ART UNIT

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2615

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,070	<b>Applicant(s)</b> MURAWSKI ET AL.	
	<b>Examiner</b> Joseph Saunders	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-19,21-41,44-55 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) 64 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-19,21-41,44-55,63 and 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the communications filed October 18, 2007. Claims 1, 3 – 19, 21 – 41, 44 – 55, and 63 – 66 are currently pending. Claims 1, 3 – 19, 21 – 41, 44 – 55, 63, and 66 are considered below while Claims 64 and 65 are withdrawn from consideration.

### ***Response to Arguments***

2. Applicant's arguments, see page 26 Lines 13 – 17, filed October 18, 2007, with respect to claims 1, 19, and 40 as rejected under Helms regarding the argument that that "Furthermore, there is no teaching of a peripheral device that forwards a characterizing signal and a terminal that is operable for configuring the b-directional voice capabilities of the terminal according to an operational parameter that is associated with the characterizing signal" have been fully considered and is persuasive. It is noted however, that the argument is not persuasive due to the meaning of "bi-directional voice capabilities" as presented by Applicant on page 20 of the remarks. The independent claims do not recite any limitations regarding "the terminal is capable of converting user speech to a digital format, such as for communications between a person and a computer, and also to convert digital information, such as text, to an audio format to be played back to a human worker" and one of ordinary skill in the art would not consider bi-directional voice capabilities to include such limitations. The examiner has interpreted bi-directional voice capabilities to simply mean that voice or an audio signal is capable of being transmitted and received. Still, the examiner agrees that

"configuring the bi-directional voice capabilities" is not disclosed and therefore the rejections under 35 U.S.C. 102 and 103 using Helms as a primary reference has been withdrawn. As a further note, the use of the terms "capable" and "operable" are defined in a manner in that the device must be possible to do these things and therefore the use of the terms "capable" and "operable" is not recommended.

3. Applicant's arguments, see pages 28 – 29, with respect to the rejection(s) of claim(s) 1, 19, 29, 40, and 63 under 35 U.S.C. 103 over Hallikainen et al. as combined with Helms have been fully considered and are persuasive. While the examiner believes that the rejection did not take into account any knowledge which was not within the level of ordinary skill at the time the claimed invention was made, the examiner does agree that rejection does not include the motivation provided by the references or an adequate teaching of such a modification. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hallikainen et al. in further view of Anderson et al. and Michel et al.

### ***Claim Objections***

4. Claim 21 is objected to because of the following informalities: Claim 21 now depends on a canceled claim, and will be examined as if depending on claim 19. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 19, 21 – 41, 44 – 55, 63, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallikainen et al. (US 5,797,102), hereinafter Hallikainen in view of Anderson et al. (US 7,283,635 B1), hereinafter Anderson, and Michel et al. (US 5,764,512), hereinafter Michel.

**Claim 1:** Hallikainen discloses an apparatus comprising: a terminal having bi-directional voice capabilities (mobile phone); a peripheral device for coupling to the terminal and having at least one line for directing audio signals to the terminal (audio line, Figure 4); the peripheral device configured to forward a characterizing signal (identification code, Column 3 Lines 23 – 41), the characterizing signal associated with an operational parameter of the terminal (table of Figure 1); the terminal operable for configuring the bi-directional voice capabilities of the terminal according to the operational parameter associated with the characterizing signal that is forwarded by the peripheral device (amplification parameters for reception and transmission). Hallikainen does not disclose wherein the characterizing signal is forwarded on the at least one line to the terminal. Anderson discloses a similar invention of where parameters from a headset can be read

from a memory and automatically set when connected to a terminal (Abstract and Figure 1). Anderson further teaches that in order to minimize the number of wires used "some or all of the audio wires can also share connections for the serial communication," Column 5 Line 66 – Column 6 Line 37. Anderson gives an example of how to reduce the amount of wires but still requires a single wire increase. Michel further discloses a similar wire reduction method and teaches that "in-band signaling does not require an additional interface between the computer and speaker/microphone 135 other than the audio interface line-in and line-out signals," Column 6 Lines 13 – 22. Therefore given the teaching of Michel and the motivation provided by Anderson, it would have been obvious to one of ordinary skill in the art to use in-band signaling thereby reducing the necessity of an additional data line as disclosed in Figure 4 of Hallikainen, since the information sent over the data line can be sent over the audio line in the technique disclosed by Michel.

**Claim 3:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the characterizing signal is associated with at least one of use, user, use group and location (Anderson Column 16 Lines 4 – 7).

**Claim 4:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the characterizing signal is reflective of an ID of the peripheral device (identification code, Hallikainen Column 3 Lines 23 – 41).

**Claim 5:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the characterizing signal is an audio signal (audio wave files or DTMF, Michel Column 6 Lines 13 – 42).

**Claim 6:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the terminal includes frequency analysis circuitry for processing the characterizing signal (Michel Figure 6).

**Claim 7:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 6 wherein the frequency analysis circuitry includes speech recognition circuitry (DTMF decoding, Michel Figure 6).

**Claim 8:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the characterizing signal is one of a DTMF tone and a PWM stream (audio wave files or DTMF, Michel Column 6 Lines 13 – 42).

**Claim 9:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device is a headset having a microphone and a microphone line, the characterizing signal being forwarded on the microphone line (Hallikainen Column 3 Lines 23 – 41 and Michel Column 6 Lines 13 – 22)

**Claim 10:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device includes a tone generator for generating audio tones to form the characterizing signal (Michel Column 6 Lines 13 – 42).

**Claim 11:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device is configured to automatically forward the characterizing signal to the terminal when it is coupled to the terminal ("the auxiliary device can transmit the identification message automatically ... after connection", Hallikainen Column 3 Lines 23 – 41).

**Claim 12:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device has an input (interface), the peripheral device forwarding the characterizing signal to the terminal when the input is engaged ("the auxiliary device can transmit the identification message automatically ... after connection" with the interface, Hallikainen Column 3 Lines 23 – 41).

**Claim 13:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device includes circuitry for generating the characterizing signal, the circuitry being powered by the terminal ("memory voltage source would be coupled through the other earphone wire," Anderson Column 5 Line 66 – Column 6 Line 37).

**Claim 15:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein operational parameters (amplification parameters, Figure 1) for the terminal are stored in memory (data for each auxiliary device is stored in memory), the terminal operable for accessing the memory using the characterizing signal (identification data supplied by interface data line) (Hallikainen Column 2 Lines 1 – 46).

**Claim 16:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 and Hallikainen further discloses wherein the operational parameters are in a menu (memory containing auxiliary device and amplification parameters, Figure 1), the terminal operable for accessing the menu based upon the characterizing parameter (identification code, Column 3 Lines 23 – 41).

**Claim 17:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 and Hallikainen further discloses wherein the operational parameters include at least one from the group of voice templates, volume preferences (amplification parameters, Figure 1), and text-to-speech preferences.

**Claim 18:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 and Hallikainen further discloses wherein said terminal is configured for coupling with multiple different peripheral devices (auxiliary devices 1 through N, Figure 1), the terminal being configurable to operate with multiple operational parameters

(amplification parameters for reception and transmission, Figure 1) associated with the peripheral device characterizing signals of the peripheral devices.

**Claims 19 and 21 – 28:** Claims 19 and 21 – 28 are substantially similar in scope to claims 1, 15, 4, 6, 7, 8, 9, 11, and 3 respectfully, and therefore are rejected for the same reasons.

**Claims 29 – 39:** Claims 29 – 39 are substantially similar in scope to claims 1, 4, 5, 8, 9, 10, 11, 12, 13, 14 (below), and 3 respectfully, and therefore are rejected for the same reasons.

**Claims 40, 41, and 44 – 55:** Claims 40, 41, and 44 – 55 are substantially similar in scope to claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, and 17 respectfully, and therefore are rejected for the same reasons.

**Claims 63 and 66:** Claims 63 and 66 are substantially similar in scope to claims 1 and 3 respectfully, and therefore are rejected for the same reasons.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hallikainen, Anderson, and Michel in view of Helms (US 5, 561,710), hereinafter Helms.

**Claim 14:** Hallikainen, Anderson, and Michel disclose the apparatus of claim 1 wherein the peripheral device includes circuitry for generating the characterizing signal, but do not disclose the circuitry being powered by a battery source in the peripheral device.

Anderson does disclose that voltage is necessary for the memory component and other circuitry (Column 5 Line 66 – Column 6 Line 37) and discloses receiving this power from the terminal. However, it is also well known in the art to include a battery (battery) as disclosed by Helms to power a DTMF generator, memory, and other components (Figure 3). Therefore, since there are two main ways that are well known in the art to obtain power from a peripheral device, one involving receiving the power from an external device and one where an internal battery is included, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the battery as disclosed by Helms in the peripheral device in the system of Hallikainen, Anderson, and Michel thereby eliminating any additional drain from the terminal.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JS  
January 19, 2008



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